

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_  
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA COMMUNITY GARDEN ACT TO GROW EDIBLE PRODUCE; PROVIDING DEFINITIONS; SPECIFYING REQUIREMENTS FOR COMMUNITY GARDEN PROGRAMS; PROVIDING FOR DUTIES OF THE DEPARTMENT OF AGRICULTURE; PROVIDING FOR RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, community gardens provide an increase in fresh produce consumption, reduce family food budgets, and encourage economic development, educational opportunities, assistance to low-income families, physical exercise, and civic pride; and

WHEREAS, community gardens improve the quality of life for people involved with the garden, encourage self-reliance, and provide a catalyst for neighborhood and community development.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Community Garden Act".

**NEW SECTION. Section 2. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1) "Community garden" means a locally owned plot of land used to grow edible produce available to community members who cultivate gardens either individually or as a group.

(2) "Department" means the department of agriculture provided for in 2-15-3001.

(3) "Produce" has the meaning provided in 80-3-302.

**NEW SECTION. Section 3. Requirements for community garden programs.** (1) Produce grown in a community garden may be:

(a) consumed by the members of the community garden groups;

- (b) sold at local farmer's markets with 50% of the profit being returned to the community garden; or  
(c) donated to helping organizations or needy families.

(2) Grant funds allocated by the department to community gardens:

- (a) may be used to purchase instruction and supplies, including but not limited to raised bed frames, fencing, tools, fertilizers, seeds, and seedlings; and  
(b) may not be used to pay for personnel or administrative costs.

**NEW SECTION. Section 4. Powers and duties of department -- rulemaking.** (1) The department is responsible for the creation and maintenance of the community gardens by providing for grants allocating the available funds in the following manner:

(a) \$10,000 must be available for \$500 grants for maintenance available to any community garden that uses 50% of the available space for growing edible produce currently or can within one growing season use 50% of the space for growing edible produce;

(b) \$70,000 must be available for a \$7,000 grant for one new community garden that uses 75% of available space to grow edible produce and for \$4,500 grants for creation of new community gardens that use 50% of available space to grow edible produce. Six of the \$4,500 grants must be awarded in Glacier, Blaine, or Big Horn Counties.

(c) \$20,000 must be available to the department for:

- (i) administration of grants;  
(ii) evaluation of community garden programs; and  
(iii) producing public documents regarding the impact of community gardens.

(2) The department shall adopt rules necessary for the efficient implementation of [sections 1 through 4].

**NEW SECTION. Section 5. Appropriation.** (1) There is appropriated \$100,000 from the general fund to the department of agriculture for the creation and maintenance of community gardens to be used in the manner specified in [section 4].

(2) The department has until January 2011 to award grant funds and produce the public documents specified in [section 4].

1        NEW SECTION. **Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified  
2 as an integral part of Title 80, chapter 3, and the provisions of Title 80, chapter 3, apply to [sections 1 through 5].

3

4        NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2009.

5

- END -